

The Gazette of India



EXTRAORDINARY PART II—Section 3 PUBLISHED BY AUTHORITY

No. 399] NEW DELHI, THURSDAY, AUGUST 8, 1957/SHRAVANA 15, 1879

MINISTRY OF FINANCE

(Department of Revenue)

NOTIFICATIONS

CUSTOMS

New Delhi, the 8th August 1957

S.R.O. 2577.—In exercise of the powers conferred by sub-section (1) of section 43-B of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, the Central Government hereby directs that a drawback shall be allowed in accordance with, and subject to, the provisions of the said section and any rules made thereunder in respect of duty paid imported materials used in the manufacture or assembly of tele-communication equipments when such tele-communication equipments are manufactured or assembled in, and exported from, India or the State of Pondicherry, or shipped as stores for use on board a ship proceeding to a foreign port.

[No. 177]

S.R.O. 2578.—In exercise of the powers conferred by sub-section (3) of section 43-B of the Sea Customs Act, 1878 (8 of 1878) as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following rules, the same having been previously published as required by sub-section (3) of the said section, namely:—

THE CUSTOMS DUTIES DRAWBACK (TELE-COMMUNICATION EQUIPMENTS) RULES, 1957.

1. **Short title.** These rules may be called the Customs Duties Drawback (Tele-communication Equipments) Rules, 1957.
2. **Definitions.**—In these rules, unless the context otherwise requires,—
 - (a) 'the Act' means the Sea Customs Act, 1878 (VIII of 1878);
 - (b) 'imported materials' means duty-paid materials imported in India or the State of Pondicherry by a manufacturer registered under rule 4 of these rules;
 - (c) 'tele-communication equipment' includes all types of telephone instruments (including protective devices), equipment used in Telephone Exchanges, railway control system, carrier telephone system, telephone repeaters and transmission measuring instruments, which have been manufactured or assembled in India or the State of Pondicherry by a registered manufacturer, and in the manufacture of which imported materials have been used;
 - (d) 'half year' means a period of six months commencing with the first day of January, or the first day of July; and
 - (e) 'registered manufacturer' means a manufacturer or assembler of tele-communication equipment registered under rule 4.

3. Goods in respect of which drawback may be allowed.—Subject to the provision of the Act and these rules, a drawback, shall be allowed in respect of any or all the imported materials used in a tele-communication equipment (hereinafter referred to as 'goods'), manufactured or assembled in India or the State of Pondicherry by a registered manufacturer and exported therefrom; or shipped as stores on board a ship proceeding to a foreign port:

Provided that the goods are packed by the registered manufacturer in tamper-proof containers bearing on their outside, the description of the goods, the name of the manufacturer, the brand or code and such other particulars as the Chief Customs Officer or the Customs Collector may from time to time specify in this behalf.

4. Registration of manufacturers.—(1) A drawback under these rules shall be admissible in respect of only such goods as have been manufactured or assembled by a person who has been registered under and for the purpose of, these rules by a Chief Customs Officer authorised in this behalf by the Chief Customs Authority and hereinafter referred to as the authorised Chief Customs Officer.

(2) An application for registration shall be made by a manufacturer or assembler of the goods to the authorised Chief Customs Officer.

(3) Such application shall describe the specific brands or varieties of the goods in respect of which registration is desired, and shall, in respect of each such brand or variety furnish information on the following:

(a) the description and quantity of different imported materials used in the manufacture or assembly of each variety, brand or patent of good in such convenient number as the Customs Collector thinks fit,

(b) the average amount of customs duty, based on the values and the rates of duty in force during the preceding year, paid on the imported material referred to in the foregoing sub-clause.

(4) The authorised Chief Customs Officer may, if he is satisfied that the requirements of these rules have been fulfilled, register the applicant as a registered manufacturer of the goods.

(5) Subsequent to such registration, the registered manufacturer shall not alter the composition or formula of any brand or variety of the goods, nor the quantity of different imported materials used in their manufacture, without the prior approval of the authorised Chief Customs Officer.

(6) Any registered manufacturer contravening the provision of the last preceding sub-rule shall render himself liable to have his registration cancelled without prejudice to any other penalty to which he may be subject under the Act and these rules.

5. Rate of drawback.—(1) Where the Customs Collector is satisfied that the claim for a drawback is established under these rules, such drawback shall be paid at the rate specified hereunder.

(2) The rate of drawback of duty admissible under these rules on the shipment of goods shall be seven-eights of the average amount of customs duty paid on the imported materials used in the manufacture or assembly of the goods.

(3) Such rate shall be determined every half year on the basis of statements furnished by the registered manufacturer and verified by the authorised Chief Customs Officer, of the average value of imported materials used in the manufacture or assembly of the goods and the duty paid thereon such average being calculated on the basis of his imports during the preceding one year or such longer period as the authorised Chief Customs Officer may deem necessary.

(4) Such rate of drawback shall be in force only for the half year in which it has been determined and shall apply to all shipments made during that half year from any port in India or the State of Pondicherry.

6. Manner of allowing drawback.—(1) A drawback shall be allowed on the shipment of the goods from any port in India or the State of Pondicherry subject to the following conditions, namely—

(a) the shipper of the goods shall make a declaration on the relative shipping bill that a claim for the drawback under section 43-B of the Act, is being made;

- (b) shall attach to the relative shipping bill a certificate from the registered manufacturer of the goods to the effect that the unit or units, or the quantity of different imported materials used in the manufacture or assembly of each type or brand of the goods have not been altered subsequent to the registration except under, and in accordance with, the provisions of sub-rule (3) of rule 4;
- (c) the shipper shall, in the shipping bill, furnish, in addition to the particulars required under section 29 of the Act such additional particulars as may in the opinion of the Customs Collector be necessary for the purposes of these rules, and in particular, such additional particulars in respect of the following matters as the Customs Collector may require, namely:—
 - (i) the description of the goods;
 - (ii) the name of the registered manufacturer, his registration number and the name of the officer by whom he has been registered;
 - (iii) the particulars of any brand or trade mark attached to the goods; and
 - (iv) weight, value, patent number and such other specifications of the components of every unit of the goods;
- (d) the shipper shall, at the time of shipment or subsequently at the time of examination of the claim for the drawback, as the Customs Collector may decide, furnish—
 - (i) a statement of the description, quantity and value of the different imported materials, imported in the year preceding the half year in which shipment is allowed;
 - (ii) a statement of the description and quantity of the different imported materials used in the manufacture of tele-communication equipment of each type or brand of the goods tendered for export under claim for drawback; and
 - (iii) a statement of the average value and the average duty paid on the imported materials used in every tele-communication equipment of each type or brand of the goods tendered for shipment such averages being calculated on the basis of the value and duty paid on identical imported materials, imported in the year preceding the half year in which the shipment is made.

(2) No drawback shall be allowed on the shipment of any type or brand of the goods in respect of which the composition has been altered contrary to the undertaking furnished under sub-rule (5) of rule 4.

7. Powers of Customs Collector.—For the purposes of enforcing these rules, the authorised Chief Customs Officer or the Customs Collector may require—

- (a) a registered manufacturer to produce any books of account or other document of whatever nature relating to the use of imported materials in the manufacture or assembly of the goods, and
- (b) require the production of such certificate, document or other evidence in respect of each claim for the drawback as may, in his opinion be necessary.

8. Access to manufactory.—A registered manufacturer of the goods in respect of which a drawback is claimed shall give access to every part of his manufactory or assembly plant to an officer of the Central Government specially authorised in this behalf by the authorised Chief Customs Officer to enable him to inspect the processes of manufacture or production and to verify by actual check or otherwise the statements made in support of the claim for drawback.

[No. 178.]

B. D. DESHMUKH, Dy. Secy,

